

237

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-14845-2024
Date of decision:-13.05.2024

DEVI LAL
... Petitioner

Versus

STATE OF HARYANA
... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Amit Choudhary, Advocate for the petitioner.
Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed reply dated 12.05.2024 by way of affidavit of Assistant Commissioner of Police, Headquarter, Sonipat. The same is taken on record, copy thereof has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
12	02.02.2024	386, 419, 420, 467, 468, 471, 120-B IPC	Cyber Crime, Sonipat, District Sonipat.

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the petitioner has been nominated on the basis of alleged



disclosure statement of co-accused Manohar Dudi with which the petitioner has no concern. He contends that as per reply submitted by the police the petitioner has facilitated the opening of account in Kotak Mahindra Bank in the name of co-accused Ram Avtar, and received commission of ₹8000/- but there is nothing on record to substantiate these allegations. He submits that the petitioner was arrested on 25.02.2024 and since then he is in custody, challan has been presented in Court, as such he prays for grant of concession of bail to the petitioner.

4. *Per contra*, learned State counsel has assailed these arguments by referring to the reply and submit that the petitioner has actively participated in the crime in connivance with co-accused Manohar Dudi, as such he does not deserves concession of bail. However he has admitted that challan has been presented in Court and prosecution has cited 7 witness and till date none of them have been examined.

5. After considering the rival contentions and perusing the record, it transpires that the present case was registered on the complaint made by complainant Ms. Kavita Jain that on 02.02.2024 she has received telephonic call on her mobile phone and when on instructions she press “9”, thereafter she received another Whatsapp call, the sender claiming to be talking from Mumbai police BKC police station and claimed that the mobile number obtained on her Aadhar Card is used in terrorist activities. He also sent arrest warrants on Whatsapp and demanded money, accordingly she transferred the amount in the given bank account and hence the FIR was registered.

6. During course of investigation police arrested one Manohar

Dudi, who made a disclosure statement claiming the petitioner to be member of gang and accordingly the petitioner was nominated and arrested on 25.02.2024. Investigating Officer ASI Sandeep Kumar, present in court admitted that apart from disclosure statement there is no evidence with the police against the petitioner. He also submitted that petitioner is not involved in any other case.

7. Considering the above facts and circumstances of the case, it is observed that as of now the case of the prosecution rests only on the basis of disclosure statement of co-accused Manohar Dudi against the petitioner. The petitioner was arrested on 25.02.2024 and challan has already been presented in Court and disposal thereof will take sufficient long time in a case triable by the Court of Magistrate and no purpose would be served by keeping the petitioner behind bars any longer.

8. Resultantly, the present petition is allowed. The petitioner is ordered to be released on regular bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

13.05.2024
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No